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February 4, 2013

Via Federal Express

Steve Berninger, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency
75 Hawthorne Street, ORC-3
San Francisco, CA 94105

Re: Proposed Additional Testing at 12471 Washington Boulevard, Whittier, CA

Dear Steve:

I am writing in response to our phone conversation on November 29, 2012, your subsequent November 29 email, and our email exchange of January 15, 2013 regarding the proposal of the U.S. Environmental Protection Agency (“EPA”) to conduct additional indoor soil and other sampling (the “**Proposed Additional Testing**”) on the property of my client, Fred R. Rippy, Inc. (“**Rippy**”) located at 12471 Washington Boulevard, Whittier, California (the “**Property**”). As you know, Rippy has and continues to be cooperative with EPA’s efforts to further investigate the contamination at and migrating from the former Omega Chemical site. However, EPA’s request for the Proposed Additional Testing raises some concerns, particularly the proposed indoor soil sampling and use of equipment to access sampling locations at greater depths, which has the potential to significantly impact Rippy’s operations.

Background

You will recall that EPA conducted soil vapor probe drilling and installation, soil sampling, and soil vapor sampling work on January 3, 9, and 10 of 2012 (the “**January 2012 Testing**”). The findings arising from the January 2012 Testing are analyzed in the CDM Smith Memorandum from Sharon Wallin to Ed Modiano dated March 14, 2012 (the “**March 2012 Report**”). In our November 29 phone call, in which Lynda Deschambault and Keith Olinger were also on the line, you indicated that EPA has determined to conduct the Proposed Additional Testing and sent me an email later that day with an attached pdf copy of a single page map. The map showed that EPA proposes soil vapor sampling at all January 2012 Testing sample locations and at one new location (the “**New Location**”) at 12, 24, and 50 feet below ground surface, and additional indoor soil sampling at all four January 2012 Testing indoor soil

sampling locations at 12 to 15 feet below ground surface. However, we have never been provided with a proposed Scope of Work standard work plan or other information pertinent to the sampling locations, methodology, etc.

Basis for a New Round of Sampling

1. Preliminarily, I would like to determine what data EPA has obtained to date. According to the March 2012 Report, EPA installed vapor monitoring probes at all four interior locations. It is my client's understanding that EPA has taken additional samples at these VMPs since the January 2012 Testing. Could you please provide the results of those sampling events?

2. Presumably, EPA has taken additional samples at the exterior VMPs identified for the Proposed Additional Testing. Could you please provide the results of those sampling events?

3. Which Operating Unit is proposed to supervise the Proposed Additional Testing? Is it the same Operating Unit which analyzed the January 2012 Testing?

4. In our November 29 phone conversation, you told me that EPA had determined to move forward with testing "regardless" of the March 2012 Report's analysis and conclusions.

What analysis, conclusions, interpretation, correspondence, or information exists relating to the March 2012 Report, and/or data obtained since the January 2012 Testing?

5. What is the objective of the Proposed Additional Testing which the March 2012 Report has not already addressed?

Questions on Potential Damage to Rippy Property

My client is still running an active business on the site and has a responsibility to keep its employees safe and to maintain the integrity of the structure where employees work.

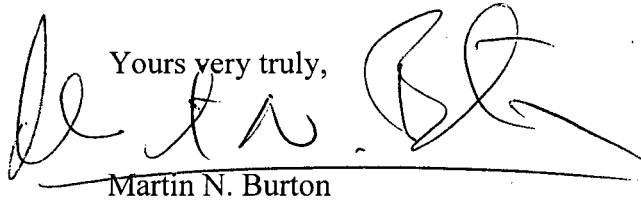
My client is very concerned about potential damage to the Rippy facility and wants to know about the testing equipment and its structural impact. According to the March 2012 Report, the January 2012 Testing utilized the limited access rig "Badger" to test down to five feet below ground surface. The Badger is a 9,000 pound crane. The Proposed Additional Testing contemplates much more extended drilling to 12 and 15 feet. The four indoor testing locations are all located close to load-bearing walls. Rippy uses high-power machines on-site which require completely stable soils.

6. Does EPA propose to use the same equipment for the Proposed Additional Testing? Does EPA propose to install vapor monitoring probes to greater depths, or simply to take additional samples? Will the proposed equipment require overhead clearance, lateral clearance, or operating conditions

different from the January 2012 Testing in order to work at greater depths? Will the physical force, impact, or other effects of the rig at these depths differ from the January 2012 activities? Should the building be assessed for structural stability before and/or after the Proposed Additional Testing is performed? To what extent can Rippy continue its normal operations during the Proposed Additional Testing?

7. Has EPA prepared a standard work plan, or directed the contractors to do so? If so, please provide it so that I can review with my client. If not, we would like to see a document with the basic elements of a standard work plan, so we know what to expect when the contractors are on our property.

Thank you, and I look forward to our continued good relations and cooperation.

Yours very truly,

Martin N. Burton

MNB/esp